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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/002,600	01/05/1998	THEODORE D WUGOFSKI	450.224US1	7990

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EXAMINER	
ONUAKU, CHRISTOPHER O	
ART UNIT	**PAPER NUMBER**
2616	33

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/002,600	WUGOFSKI, THEODORE D	
	Examiner	Art Unit	
	Christopher O. Onuaku	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 September 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5-11,13,15-17,20,21,24 and 26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5-11,13,15-17,20,21,24 and 26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/16/04 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1,2,5-11,13,15-17,20,21,24&26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-2,8-11,13,17,21,24&26 rejected under 35 U.S.C. 103(a) as being unpatentable over Young (US 4,706,121) in view of Lawler et al (US 5,699,107).

Regarding claim 1, Young discloses in Fig.3,4&4b an electronic system and process which receives the schedule information in broadcast form and then processes the schedule information to make the selections and a system that will enable a user to program a video cassette recorder (VCR) for unattended operation by making a simple selection from a menu, including computerized system (see col.21, line 65 to col.22, line 26), the method comprising:

a) scheduling a data recording for the recording device, with the data recording to begin at a recording time (see Abstract and also col.7, line 60 to col.8, line);

b) receiving user input at least partially determinative of a recording reminder time for the scheduled recording (see col.7, line 60 to col.8, line 3; col.15, lines 20-27);

c) outputting a recording reminder signal at a time based on the recording reminder time, before the recording device initiates automatic execution of the scheduled data recording (see col.20, lines 40-65).

Young discloses the method of receiving user input at least partially determinative of a recording reminder time for the scheduled recording (see the discussions above). Young fails to explicitly disclose the method of receiving user input at least partially determinative of a recording reminder time for the scheduled recording, with the user input being non-determinative of the recording time. Furthermore, Young fails to explicitly disclose wherein outputting of the recording reminder signal comprises outputting a message to at least one user of the computerized system via a network

communications device associated with at the least one user of the computerized system.

Lawler et al teach a system for informing a user of an interactive viewing system that a selected program is available for viewing and for allowing a user to select a future program for later reminding and recording, comprising a network 14 of Fig.1 (see Fig.1; col.3, lines 57 to col.4, line 37), wherein a user may want to set a reminder for the future program, or request recording of the future program. The system stores and monitors the reminders set by all users and shortly before a selected program becomes available, reminds each user that has set a reminder for that program that the program is about to begin. To remind the user, the system displays a reminder message identifying the program and indicating that the program will be available shortly (see col.3, lines 37-50).

For example, the system displays a future program options menu to allow the user to select these, or possibly other actions. The system then monitors the user's memu selections and implements the requested action (see col.10, lines 51-60).

Lawler further discloses that the record tags are similar to the remind tags except that the have a different action associated with them. Like the reminder tags, the records tags are set and monitored at the headend (see col.13, line 33 to col.14, line 2).

Automatically reminding the user, via a network, of previously set reminder to view (or record) a selected program provides the desirable advantage of preventing the user from failing to view (or record) a program for which the viewer had previously set a reminder.

It would have been obvious to further modify Young by realizing Young with the means to automatically remind the user via a network of previously set reminder to view/record a program for which the viewer had previously set a reminder, as taught by Lawler, since this provides the desirable advantage of preventing the user from failing to view/record a program for which the viewer had previously set a reminder.

Regarding claim 2, Young discloses the method wherein scheduling a data recording for the recording device occurs before receiving input at least partially determinative of a recording reminder (see col.15, lines 20-27).

Regarding claim 8, Young discloses the method wherein scheduling the data recording includes communicating a recording instruction to the computerized system, and wherein the method further comprises calculating and storing the recording reminder time based on at least the user input and at least a portion of the recording instruction before outputting the "reminder" signal (see col.21, line 65 to col.22, line 26).

Regarding claim 9, Young discloses the method wherein the recording instruction includes a channel identifier, a start time, and an end time (see col.14, lines 9-15; col.14, lines 55-66).

Regarding claim 10, Young discloses wherein outputting a reminder signal at

the predetermined time before the time of the data recording includes comparing a system time to the recording reminder time (see col.20, lines 40-65).

Regarding claim 11, Young discloses in Fig.3, 4&4b an electronic system and process which receives the schedule information in broadcast form and then processes the schedule information to make the selections and a system that will enable a user to program a video cassette recorder (VCR) for unattended operation by making a simple selection from a menu, including computerized system (see col.21, line 65 to col.22, line 26), comprising:

a) scheduling a data recording for the recording device, with the data recording to begin at a recording time (see Abstract and also col.7, line 60 to col.8, line 3);

b) receiver for receiving one or more channel signals, each carrying one or more programs (see col.7, line 33 to col.8, line 22);

c) a recording device, coupled to the receiver, for automatic recording one of the programs (see VCR 150; col.7, line 60 to col.8, line 22);

d) means for receiving user input regarding a recording reminder time (see CPU 110; col.7, line 60 to col.8, line 22);

e) means for determining a recording reminder time for at least the one program based on the recording time and the user input regarding the recording reminder (see col.15, lines 20-27);

f) an outputting device for outputting a reminder signal at the recording reminder time before the recording device initiates automatic recording of the one program (see col.20, lines 40-65);

g) means for causing the recording device to begin automatic recording of the one program independently of the determined recording reminder time (see col.20, lines 40-65).

Young fails to disclose means for receiving user input regarding a recording reminder time, with the user input being non-determinative of the recording time. Furthermore, Young fails to explicitly disclose wherein outputting of the recording reminder signal comprises outputting a message to at least one user of the computerized system via a network communications device associated with at the least one user of the computerized system.

Lawler et al teach a system for informing a user of an interactive viewing system that a selected program is available for viewing and for allowing a user to select a future program for later reminding and recording, comprising a network 14 of Fig.1 (see Fig.1, col.3, line 57 to col.4, line 37), wherein a user may want to set a reminder for the future program, or request recording of the future program. The system stores and monitors the reminders set by all users and shortly before a selected program becomes available, reminds each user that has set a reminder for that program that the program is about to begin. To remind the user, the system displays a reminder message identifying the program and indicating that the program will be available shortly (see col.3, lines 37-50).

For example, the system displays a future program options menu to allow the user to select these, or possibly other actions. The system then monitors the user's menu selections and implements the requested action (see col.10, lines 51-60).

Lawler further discloses that the record tags are similar to the remind tags except that the have a different action associated with them. Like the reminder tags, the records tags are set and monitored at the headend (see col.13, line 33 to col.14, line 2).

Automatic reminding the user, via a network, of previously set reminder to view (or record) a selected program provides the desirable advantage of giving the user the opportunity to, for example, change or cancel a previously selected program before the program is viewed (recorded).

It would have been obvious to further modify Young by realizing Young with the means to automatically remind the user, via a network, of previously set reminder to view/record a program for which the viewer had previously set a reminder, as taught by Lawler, since this provides the desirable advantage of giving the user the opportunity to, for example, change or cancel a previously selected program before the program is viewed (recorded).

Regarding claim 13, Young discloses wherein the output device comprises a computer and a display (see CPU 110 and video display generator 136; col.7, line 60 to col.8, line 22)

Regarding claim 17, Young discloses in Fig.3,4&4b an electronic system and process which receives the schedule information in broadcast form and then processes the schedule information to make the selections and a system that will enable a user to program a video cassette recorder (VCR) for unattended operation by making a simple selection from a menu, including computerized system (see col.21, line 65 to col.22, line 26), the method comprising:

a) receiving user input at least partially determinative of a recording reminder time for a scheduled automatic data recording, with the recording reminder time preceding a time of the scheduled automatic data recording by an amount of time based on the user input (see col.7, line 60 to col.8, line 3; col.15, lines 20-27; and col.20, lines 40-65), at the time the user sets a reminder determines how long the monitoring of the reminder process by the system lasts before recording begins. For example, assuming the reminder is set at 2:00 pm by a user input for a program scheduled to record at 10:00 pm, then the monitoring then lasts from 2:00 pm to 10:00 pm, and if, on the other hand, the reminder is set at 1:00 pm, by the user input, for a program scheduled to record at 8:00 pm, the monitoring lasts from 1:00 pm to 8:00 pm;

b) outputting a recording reminder signal at a time based on the recording reminder time, before the recording device initiates automatic execution of the scheduled data recording (see col.20, lines 40-65).

Young fails to explicitly disclose receiving user input at least partially determinative of a recording reminder time for a scheduled automatic recording and non-determinative of a time for initiating the scheduled data recording. Furthermore,

Young fails to explicitly disclose wherein outputting of the recording reminder signal comprises outputting a message to at least one user of the computerized system via a network communications device associated with at the least one user of the computerized system.

Lawler et al teach a system for informing a user of an interactive viewing system that a selected program is available for viewing and for allowing a user to select a future program for later reminding and recording, comprising a network 14 of Fig.1 (see Fig.1, col.3, line 57 to col.4, line 37), wherein a user may want to set a reminder for the future program, or request recording of the future program. The system stores and monitors the reminders set by all users and shortly before a selected program becomes available, reminds each user that has set a reminder for that program that the program is about to begin. To remind the user, the system displays a reminder message identifying the program and indicating that the program will be available shortly (see col.3, lines 37-50).

For example, the system displays a future program options menu to allow the user to select these, or possibly other actions. The system then monitors the user's menu selections and implements the requested action (see col.10, lines 51-60).

Lawler further discloses that the record tags are similar to the remind tags except that the have a different action associated with them. Like the reminder tags, the records tags are set and monitored at the headend (see col.13, line 33 to col.14, line 2).

Automatic reminding the user, via a network, of previously set reminder to view (or record) a selected program provides the desirable advantage of giving the user the

opportunity to, for example, change or cancel a previously selected program before the program is viewed (recorded).

It would have been obvious to further modify Young by realizing Young with the means to automatically remind the user, via a network, of previously set reminder to view/record a program for which the viewer had previously set a reminder, as taught by Lawler, since this provides the desirable advantage of giving the user the opportunity to, for example, change or cancel a previously selected program before the program is viewed (recorded).

Regarding claim 21, the claimed limitations of claim 21 are accommodated in the discussions of claim 17 above.

Regarding claim 24, the claimed limitations of claim 24 are accommodated in the discussions of claim 11 above, including the additional limitation of receiving "two or more reminder-time inputs"(see at least Lawler col.13, line 63 to col.14, line 2); here the user can schedule for recording more than one desired program, with each of the desired programs having its own different reminder time since the selected programs may run at different times.

Regarding claim 26, Young discloses determining the recording reminder time based on the received user input, with the recording reminder time preceding the recording time for the scheduled recording by an amount of time based on the received

user input (see col.20, lines 40-65), at the time the user sets a reminder determines how long the monitoring of the reminder process by the system lasts before recording begins. For example, assuming the reminder is set at 2:00 pm by a user input for a program scheduled to record at 10:00 pm, then the monitoring then lasts from 2:00 pm to 10:00 pm, and if, on the other hand, the reminder is set at 1:00 pm, by the user input, for a program scheduled to record at 8:00 pm, the monitoring lasts from 1:00 pm to 8:00 pm.

5. Claims 5,6&15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Lawler et al and further in view of Hoff (US 5,467,197).

Regarding claim 5, Young and Lawler et al fail to disclose wherein outputting the reminder signal comprises outputting a message concerning the scheduled recording to a pager. Hoff teaches the method wherein outputting the "reminder" signal comprises outputting a message concerning the scheduled recording to a pager (see col.3, lines 23-27, and col.5, lines 29-45).

It would have been obvious to one of ordinary skill in the art to further modify Young by realizing Young with the means to output reminder messages concerning the scheduled recording to a pager, as taught by Hoff, which would further increase the capability of Young, thereby making Young even more commercially attractive.

Regarding claim 6, Hoff teaches the method wherein outputting the reminder signal includes outputting a verbal message, a textual message, or an audible tone(see col.5, lines 29-45).

It would have been obvious to further modify Young by realizing Young with the means wherein outputting the reminder signal includes outputting a verbal message, a textual message, or an audible tone in order to output reminder signals including a verbal message, a textual message, or an audible tone would make the reminder signal more quickly heard or observed, as the case may be.

Regarding claim 15, the claimed limitations of claim 15 are accommodated in the discussions of claim 6 above.

6. Claims 7,16&20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Lawler et al and further in view of Strubbe et al (US 5,047,867).

Regarding claim 7, Young and Lawler et al fail to explicitly disclose the method wherein outputting a reminder signal includes outputting a message concerning recording media, but which Strubbe teaches in col.6, lines 25-49. Including a message concerning recording media in outputting a reminder signal makes eliminates, for example, the possibility of using a recording medium with insufficient recording room to record a scheduled program, thereby running the risk of losing some valuable part of a program to be recorded. It would have been obvious to one of ordinary skill in the art to add a message concerning recording media in the output reminder signal, as taught by

Strubbe, since this would eliminates, for example, the possibility of using a recording medium with insufficient recording room to record a scheduled program, thereby running the risk of losing some valuable part of a program to be recorded.

Regarding claims 16&20, Young and Ellis fail to explicitly disclose the method wherein outputting a reminder signal includes outputting a message concerning recording media, but which Strubbe teaches in col.6, lines 25-49. Including a message concerning recording media in outputting a reminder signal eliminates, for example, the possibility of using a recording medium with insufficient recording room to record a scheduled program, thereby running the risk of losing some valuable part of a program to be recorded. It would have been obvious to one of ordinary skill in the art to add a message concerning recording media in the output reminder signal, as taught by Strubbe, since this would eliminate, for example, the possibility of using a recording medium with insufficient recording room to record a scheduled program, thereby running the risk of losing some valuable part of a program to be recorded.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher O. Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

COO
11/26/04